

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

## NORTHWEST ADMINISTRATORS, INC.,

| NO.

**Plaintiff,**

v.

## **COMPLAINT TO COMPEL AUDIT**

REPUBLIC PARKING SYSTEM, LLC, a Tennessee limited liability company,

**Defendant.**

1

Plaintiff, Northwest Administrators, Inc., is an organization incorporated under the laws of the State of Washington, with its principal place of business in King County, and is the authorized administrative agency for and the assignee of the Western Conference of Teamsters Pension Trust Fund (hereinafter "Trust").

1

The Pacific Coast Benefits Trust Fund is an unincorporated association operating as a Trust Fund pursuant to Section 302 of the Labor Management

## **COMPLAINT TO COMPEL AUDIT - 1**

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1 Relations Act of 1947, as amended, to provide retirement benefits to eligible  
2 participants.

3 III.

4 This Court has jurisdiction over the subject matter of this action under  
5 Section 502(e)(1) and (f) of the Employee Retirement Income Security Act of 1974  
6 ("ERISA"), 29 U.S.C. §1132(e)(1) and (f) and under §301(a) of the Taft-Hartley Act,  
7 29 U.S.C. §185(a).

8 IV.

9 Venue is proper in this District under Section 502(e)(2) of ERISA, 29 U.S.C.  
10 §1132(e)(2), because the Plaintiff Trust Fund is administered in this District.

11 V.

12 Defendant is a Tennessee limited liability company.

13 VI.

14 Defendant is bound to a collective bargaining agreement with Local 117 of  
15 the International Brotherhood of Teamsters (hereinafter "Local"), under which the  
16 Defendant was required to promptly and fully report for and pay monthly  
17 contributions to the Trust at specific rates for each hour of compensation (including  
18 vacations, holidays, overtime and sick leave) said Defendant paid to its employees  
19 who were members of the bargaining unit represented by the Local (such  
20 bargaining unit members were any of the Defendant's part time or full time  
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1 employees who performed any work task covered by the Defendant's labor contract  
2 with the Local, whether or not those employees ever actually joined the Local).

3 VII.

4 Defendant accepted the Trust's Agreement & Declaration Agreement ("Trust  
5 Agreement") which provides in part:

6       Each Employer shall promptly furnish to the Trustees on  
7 demand any and all records of his Employees, concerning the classification of such Employees, their  
8 names, Social Security numbers, amount of wages paid and hours worked and any other payroll records and  
9 information that the Trustees may require in connection with the administration of the Trust Fund. Each  
10 Employer shall also submit in writing to the Trustees at such regular periodic intervals and in such form as the  
11 Trustees may establish such of the above data as may be requested by the Trustees. The Trustees or their  
12 authorized representatives may examine the payroll books and records of each Employer whenever such  
13 examination is deemed necessary or advisable by the Trustees in connection with the proper administration of  
14 the Trust Fund.  
15

16 VIII.

17       The Trustees of the Pacific Coast Benefits Trust Fund deem it both  
18 necessary and advisable to the proper administration of the Trust that their  
19 authorized representatives examine the Defendant's books and records for the  
20 inclusive period December 1, 2012 to the Present Date to determine if the  
21 Defendant previously reported for and paid to the Trust all of the amounts due for  
22 the Defendant's employment of members of the bargaining unit represented by the  
23 Trust for said period.

24 COMPLAINT TO COMPEL AUDIT - 3

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IX.

9  
Despite notification to the Defendant of the Trustees' desire to conduct an  
10 audit for the period December 1, 2012 to the Present Date, and demands made  
11 upon the Defendant on the Trust's behalf for access to Defendant's records for an  
12 examination of them for that period, to date the Defendant has failed and refused to  
13 make all of its records available for the thorough examination the Trustees deem  
14 necessary and advisable to the proper administration of the Trust.  
15

16 WHEREFORE, plaintiff, on the Trust's behalf, prays the court as follows:  
17

18 1. That the Court enter an Order Compelling Audit under which  
19 Defendant shall be directed by the Court, within a specified time, to make available  
20 to the authorized representatives of the Trustees of the Trust for the period  
21 December 1, 2012 to the Present Date:  
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23  
24  
25  
A. Payroll for the period 2012 – 2015;  
B. Full employee roster listing all employees, with hire or  
position date;  
C. State of California Quarterly Wage and Withholding  
Reports (DE6/DE9) – or – State Employer Security  
Reports;  
D. Quarterly FICA and Federal Income Tax Reports  
(941/941A);  
E. Labor Contracts – plus any addendums or supplements,  
if applicable; and  
26

2. Afford to the authorized representatives of the Trustees of the Trust both ample time and opportunity to examine all such materials of Defendant at such time and at such place as shall be convenient to the Trustees' authorized representatives.

**3. For judgment against the Defendant for:**

- A. All of the Plaintiff's attorney's fees incurred in gaining auditor access to Defendant's records;
- B. All of the Plaintiff's costs incurred in gaining auditor access to defendant's records, and
- C. For such other and further relief as the Court may deem just and equitable.

DATED this 15<sup>th</sup> day of May, 2018.

REID, McCARTHY, BALLEW & LEAHY,  
L.L.P.

Russell J. Reid, WSBA #2560  
Attorney for Plaintiff

**COMPLAINT TO COMPEL AUDIT - 5**

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